



City of Lawrence

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CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

October 11, 2011

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Cromwell presiding and members Amyx, Carter, Dever and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. Proclaimed Saturday, October 22, 2011 as Indigenous Food Day.

B. CONSENT AGENDA

It was moved by Amyx, seconded by Schumm, to approve the consent agenda as below. Motion carried unanimously.

1. Approved City Commission meeting minutes from 09/20/11 and 09/27/11.
2. Received minutes from various boards and commissions:

Solid Waste Task Force meeting of 09/12/11
3. Approved payroll from September 25, 2011 to October 8, 2011, in the amount of \$1,842,305.22 and claims to 214 vendors in the amount of \$2,401,324.15.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment License for Phoggy Dog, 2228 Iowa and Retail Liquor License for On the Rocks Discount Liquor, 1818 Massachusetts.
5. Approved appointments as recommended by the Mayor.
Lawrence Cultural Arts Commission: Appointed Eric Kirkendall (550-3408) to the vacant position that expires 01/31/13.
6. Bid and purchase items:
 - a) Set bid date of October 18, 2011 for City Bid No. B1149, Project No. PW1130, City Hall Building Slate Roof Replacement.



- b) Set a bid date of October 25, 2011 for Bid Number B1150 Water and Sanitary Sewer Pipe and Appurtenances for Project UT1003CS 23rd Street Bridge Replacement Utilities Relocation.
- c) Awarded bids for the Comprehensive Rehabilitation Program as follows:
 - 2536 Ridge Court to T & J Holdings for \$22,600 for base bid and \$1,900 for Alternate 1; and
 - 1015 Avalon to T & J Holdings for \$24,605 for base bid only.
- d) Awarded bid for future network cabling to R&R Communications at various hourly rates, not to exceed \$25,000 per year.
- 7. Authorized the Mayor to execute a utility easement to Westar Energy in Burroughs Creek Linear Park for the acquisition amount of \$2,247.
- 8. Authorized the Mayor to execute the agreement with Douglas County Rural Water District No. 2 for the treatment and transmission of water and the sale of water.
- 9. Authorized the Mayor to sign Mortgage Releases for Delma Hepner, 1615 Rose Lane and Mary Jo Spotts, 1901 Vermont. Authorized the Mayor to sign a Subordination Agreement for Jeanette Reiling, 1064 Home Circle.
- 10. Approved as “signs of community interest”, a request from Health Care Access to place two signs promoting “Bras Across the Kaw” breast cancer awareness event near the entrances to the Kansas River bridges from October 14 – 21, 2011.

C. CITY MANAGER’S REPORT:

David Corliss, City Manager, presented the City Manager’s Report.

D. REGULAR AGENDA ITEMS:

- 1. **Consider the following items related to the Grandstand Sportswear and Glassware expansion project:**
 - a) **Consider adopting Resolution No. 6948, granting a ten year, sixty-five percent (65%) property tax abatement;**
 - b) **Consider adopting on first reading, Ordinance No. 8678, authorizing a \$25,000 forgivable loan for the project; and**
 - c) **Approve a performance agreement with 3840 Greenway Circle, LLC/Grandstand Sportswear setting forth the related performance requirements for the tax abatement and the forgivable loan.**

Commissioner Dever recused himself from the discussion and vote on this item. He left the room at 6:46 p.m.

Diane Stoddard, Assistant City Manager, presented the staff report.

Chris Piper, Grandstand, said he appreciated the patience of the Commission as they went through this process. Losing the opportunity to have a tenant left a large loss in their finances and brought them to the position they are in tonight asking for the forgivable loan. The loan would be based on the performance agreement. They were in a position to add a lot of jobs and be well positioned for growth. The lease money would have helped with the concrete and asphalt repairs that were needed.

Mayor Cromwell called for public comment.

Beth Johnson, Lawrence Chamber of Commerce, said this was an opportunity to help a locally grown business. Those types of projects were critical to the community. This was a great project and she hoped the City Commission would support it. We had done a lot of great things this year and there was a lot still in the works for this year and next.

Schumm asked when we could see production at this facility.

Piper said hopefully by December 15.

Amyx asked who would review if the performance targets would be met.

Stoddard said staff would monitor and include those in the tax abatement report and larger economic development report to PIRC and the City Commission.

Moved by Carter, seconded by Schumm, to adopt Resolution No. 6948, granting a ten year, sixty-five (65%) property tax abatement, adopt on first reading, Ordinance No. 8678, authorizing a \$25,000 forgivable loan, and approve a performance agreement with 3840 Greenway Circle, LLC/Grandstand Sportswear. Motion carried 4-0 with Dever abstaining.

Commissioner Dever returned to the room at 6:54 p.m.

2. Consider approving the following items related to the 8th/Penn (Poehler Building) project:

- a) Consider approving Text Amendments, TA-8-13-11, to Article 3 of the Lawrence Land Development Code and to the 8th & Pennsylvania Urban Conservation Overlay District, including the Design Guidelines 8th and Penn Neighborhood Redevelopment Zone, in order to accommodate a residential proposal for property located at 619 E. 8th Street that exceeds the density limit currently noted in the guidelines. Initiated by City Commission on 8/9/11. Adopt on first reading, Ordinance No. 8675, Text Amendments (TA-8-13-11) to Article 3 of the Lawrence Land Development Code and to the 8th & Pennsylvania Urban Conservation Overlay District, including the Design Guidelines 8th and Penn Neighborhood Redevelopment Zone. (PC Item 4; approved 9-0 on 9/26/11)
- b) Consider approving rezoning, Z-8-22-11, approximately .56 acres from CS (Strip Commercial) to RM32 (Multi-Dwelling Residential) within the 8th & Pennsylvania Urban Conservation Overlay District, located at 619 E 8th Street. Submitted by Bartlett & West, Inc., for Ohio Mortgage Investors, LLC property owner of record. Adopt on first reading, Ordinance No. 8676, for Rezoning (Z-8-22-11) approximately .56 acres from CS (Strip Commercial) to RM32 (Multi-Dwelling Residential) within the 8th & Pennsylvania Urban Conservation Overlay District, located at 619 E 8th Street. (PC Item 5A; approved 9-0 on 9/26/11)
- c) Consider approving rezoning, Z-8-23-11, approximately .27 acres from CS (Strip Commercial) to RM12D (Multi-Dwelling Residential) within the 8th & Pennsylvania Urban Conservation Overlay District, located at 804-806 Pennsylvania Street. Submitted by Bartlett & West, Inc., for Ohio Mortgage Investors, LLC, property owner of record. Adopt on first reading, Ordinance No. 8677, for Rezoning (Z-8-23-11) approximately .27 acres from CS (Strip Commercial) to RM12D (Multi-Dwelling Residential) within the 8th & Pennsylvania Urban Conservation Overlay District, located at 804-806 Pennsylvania Street. (PC Item 5B; approved 9-0 on 9/26/11)
- d) Consider authorizing the Mayor to execute a development agreement with East Lawrence Historic Partners, LLC and consider authorizing the City Manager to negotiate with Bartlett & West for final plans for public improvements for East Lawrence Industrial Historic District.

Mayor Cromwell stated that he had an interest in the project and recused himself from discussion and vote on these items. He left the room at 6:54 p.m.

Mary Miller, Planner, presented the staff report.

Schumm asked if the parking lot was to the south of the Poehler building.

Miller said yes.

Schumm asked how many spaces were in the lot.

McCullough said there was more paved area there not related to this request because it is not controlled by the applicant.

Corliss said there would also be parking along Delaware Street.

Miller said yes.

Schumm asked if they were parallel.

Miller said some were parallel and some angled.

Tony Krsnich said there were approximately 64 spaces. The majority of the assistance request was for public improvements. He said this was a 9.3 million dollar investment in the last blighted historic district in Lawrence. He said they had already pulled a demolition permit and this was the final piece needed for the redevelopment. He felt the project would trigger redevelopment of the entire area.

Amyx asked how many total spaces would be controlled by the development group.

Krsnich said zero. The parking would be donated to the city and would help all of east Lawrence. There were 64 spaces total.

Amyx asked if there were 64 spaces, and they were primarily to be used by the Poehler building, where was the anticipated parking with relation to this lot.

Krsnich said on and off street parking counted toward the equation. He believed there would be ample space even in the event of further redevelopment. If everything in the area redeveloped there may be a parking issue but that would be a good problem to have.

McCullough said there was additional capacity in the improvements on Delaware and 8th Street. If other development occurred other parking would have to be improved on the streets and the properties. Parking along Pennsylvania eventually could be developed in diagonal fashion.

Amyx asked if it was better to cluster parking as we anticipated future developments.

McCullough said it depended on how the requests came in. This request was dependent on what Tony owned and controlled. Besides downtown this is the only other district that can use on street parking to meet parking standards.

Krsnich said a natural divide was the oak tree. The land to the south had been pursued to some extent but there were ownership concerns. There was approximately twice as much parking on site but he only owned half of it.

Carter said the developer expected a 12% return. Was that something he provided staff?

Corliss said Britt Crum-Cano had performed the analysis.

Carter asked if Krsnich knew what he could anticipate from the various grants.

Krsnich said 12% would be fairly typical of a development like this. It cost more for redevelopment than new development. He said the reason they needed the incentives was that on a good year the projected cash flows were only about \$28,000.

Carter asked if he knew what he would be getting in tax credits.

Krsnich said yes but he wasn't sure if he had the numbers in front of him tonight.

Carter said often it was not known at the outset what the grants would come in at.

Krsnich said the most important one was the low income tax credit. With that and the other credits they could count on \$2 million equity, but as indicated in the analysis they needed all of the city assistance requested. It was only a guesstimate on the historic tax credits at this time.

Carter said he was curious how those numbers would fluctuate.

Krsnich said the low income tax credit was a hard number. He said he could go back to the State in previous years but not this year. He knew that number would not change.

Dever asked if Krsnich or staff could talk about the improvements on Pennsylvania.

McCullough said they are shown as future phases on the site plan. The Vinegar building, the duplexes and the Poehler building would be developed first. The parking shown on the site plan would be shared among those three development lots.

Dever said the way it looks right now is the construction, alignment and improvements would be similar and he asked if that was something the city would be responsible or if the developers would. The question is whether improvement of Pennsylvania would be required to build out the future areas.

McCullough said yes. It was undetermined at this point who would be responsible.

Dever said we had an overage of parking spots for the current development and asked by how much.

McCullough said it was less than fifty, perhaps 35 over.

Dever asked if someone came in to development the lots south of the Vinegar building would there be enough parking already.

McCullough said we didn't know at this point. If there was demand for that parking it could be accommodated. We would have to look at the specific use. Any further development would need to be in discussions regarding parking on the site or on street.

Dever asked how this was similar to downtown where retail developments didn't have to provide parking.

McCullough said the code standard was different. In downtown there was not a parking standard. In the overlay there was still a parking standard to be met. This does require parking, but it allows on street and not just on site.

Amyx asked about the square footage of property undeveloped that could potentially use this parking. As we looked at the investment, was this our best investment and could the parking lot accommodate more as additional investment occurs in the area. He said the maintenance of the lot would be provided by the developer and there would be no monitoring of it by the city like downtown.

Corliss said correct.

McCullough said we had not performed an analysis of what development could occur in the future and the parking needs. He said he thought there was room for intensification along Pennsylvania.

Schumm asked if this project was going to use an NRA mechanism.

Corliss said there was no pending request for an NRA on this property. There was an existing one that did not apply to this project. There was no property tax rebate on this development.

Schumm said the building went on the property tax rolls at 100%.

Corliss said yes. He said if you looked at the value on an income basis it may not be great because of the low rent.

Schumm said this was a complex project and the applicant would need to speak a number of times to answer questions on the various portions of the request.

Krsnich said there was approximately \$2.9 million in tax credits.

Vice Mayor Schumm called for public comment.

Sven Alstrom said he encouraged the commissioners to support this project as a keystone of the redevelopment of this part of Lawrence.

KT Walsh, East Lawrence Neighborhood Association, said we were very glad someone was willing to take on this project and that it would provide accessible and affordable housing. ELNA voted to support the project but had not taken a position on the incentives. She said the Association requested reinforced curbs due to the truck traffic. She said East Lawrence was a low area and they had originally asked for permeable pavement for the parking. She said the alleys in East Lawrence were awful and one person had wondered why the developer could get this alley repaired and the neighbors couldn't.

Gwen Klingenberg said this applicant had worked very hard with the neighborhood. LAN was very supportive of the affordable housing also. She said we needed to give this project a try and she said she appreciated the work of the applicant with the neighborhood.

Schumm asked staff to outline the amount of public improvements.

Corliss directed attention to the last action item, the memo from Crum-Cano. The development agreement has the city performing a number of improvements including the construction of Delaware including parking and stormwater improvements. This would respond to some of the stormwater concerns that would benefit the whole watershed. There are other improvements including sidewalks, lighting and landscaping. Improvements included 8th street also. The waterline was planned for improvement. The parking lot would be constructed by the city but turned over to the developer for maintenance. We would improve the alley. He said he appreciated KT's comments. We do repair alleys and make them passable and usable even if we couldn't replace them. We were paying for some of the utility connections, and using some of the criteria of the fire sprinkler incentive downtown on this project. We were also buying the plans which were near completion from the original neighborhood plan. One of the action items was to authorize negotiation for the acquisition of those plans. The memo contains a listing of the expenses and the funding sources. The developer would provide us with an escrow payment of \$75,000. We want to make sure the development actually occurs if we are doing the improvements. As the project proceeds we would release back some of those funds. The applicant has already expended resources on the planning project and they had pulled a building permit for some activities.

Schumm asked if Delaware was ever a paved street.

Corliss said not recently. It was platted but you could not drive on it currently.

Schumm said this was the max we would spend on the project.

Corliss said yes, and hopefully we would get lower bids.

Schumm said the fire sprinkler and the parking lot were atypical expenses but the other costs were typical to improvements to the area.

Corliss said we didn't typically construct residential streets but it was appropriate in this circumstance.

Dever asked if there was thought of forming a benefit district.

Corliss said we had thought of that but it was unlikely the surrounding properties would acquiesce to that. We were essentially doing major maintenance to 8th and we didn't typically do benefit districts for that. They didn't take access and didn't need Pennsylvania.

Dever asked if we had ever done anything like the transfer of the parking lot.

Corliss said we did property transfers but maybe nothing exactly like this. He said the owner of the Poehler building would have to point at that parking as needed for their tenants.

McCullough said these would be set up to be shared use agreements with the lots we are looking at today.

Dever said the alley was in terrible shape and the apron needed work. He asked if the alley would be repaved, torn down to grade.

Soules said we would treat the base and repave. Replacing the apron wasn't a big deal either. Both ends would be open.

Schumm asked if the parking lot would exist in perpetuity.

McCullough said yes, as long as it was needed by the Poehler Building. Any redevelopments would have to go through site planning and the need for parking analyzed and addressed.

Amyx asked if we were giving exclusive use of the parking lot to Poehler.

McCullough said no. Some of the benefit is that the parking needs are different during the day and overnight between the Vinegar Building and the Poehler Building.

Amyx asked if we were granting exclusive rights.

Corliss said no. The only thing we would have to watch out for was the lot being used for storage of vehicles, which we wouldn't want.

Carter said he thought it was a great project. He really wanted it to happen so he didn't want his questions misunderstood. He asked if \$597,000 in low income tax credits per year over 10 years was correct.

Krsnich said yes. The \$2.9 million referred to earlier was equity. The total amount of tax credits was much higher. We are talking about two different things – infrastructure costs and internal project costs. There was a \$1,070,000 loan on the project also which was all the debt they could take on based on the rents and operating expenses.

Carter said he was asking simply because the only thing he struggled with was the parking lot. It just seems like the 64 parking spaces, at least 49 should be required for the project. The rest of the area seemed workable for providing parking.

Krsnich said the focus tonight was on Poehler, but \$220,000 cash was also expended for the Vinegar Building. If we include the diagonal parking we might be able to come up with 71, and in his opinion with the art space and the duplexes we probably have ample parking and he was continuing to work on the land to the south and the surrounding land. It gave a little leeway for other developments. There was not extreme excess for the area.

Amxy asked if we would be putting up \$1.4 million for the project. Do we put that up and then the project begins?

Corliss said it was a concurrent walkthrough and the performance agreement outlined that.

Dever said it looked like 96 total parking spaces if you counted the on street.

Corliss said one of the things that would happen is that the developer deposits the escrow, then we acquire the design plans, then the applicant gets the rezoning and site plan in place and pull a building permit. It is our experience that when a building permit is pulled and paid for the project is pretty sure to happen, though not 100%. At that point we would bid the public improvements. Then we would release the escrow as the project proceeds. We want the public improvements in place roughly concurrent with the project. We believe that with the development agreement in place the project will proceed.

Carter asked if this was the first draft of what the applicant asked for.

Corliss said we had numerous discussions with the applicant about options. The developer at the outset wanted us to rebuild Pennsylvania at a cost of \$500,000. We have talked about other options, and there has been some level of negotiation about what would be presented to the city commission, who would make the final decision.

Schumm said the project was important to the area. The concern he had with the parking lot was if we were buying the parking lot for this, are we not going to see similar requests in the future.

Corliss said his response would be that we were doing the heavy lifting early in this project to get the Poehler building safe and stable. That was the key. We will have done quite a bit to spark redevelopment and occupancy in the area. Everything you do sets some level of precedent, but we could say we've done quite a bit to spark redevelopment in the area already.

Amyx asked why we wouldn't just keep the parking lot.

Corliss said we don't really need it. Do we want to be the owner of the common area for the different uses in the area. You could make that argument in downtown where we have a system for regulating the parking. We had site plan protections to make sure the parking lot can't suddenly disappear. His question would be why would we want it.

Amyx said because we were paying for it.

Schumm said we would then have to maintain it.

Corliss said the reason we had it initially was to make sure the parking existed initially.

Dever asked what was the basic price per space for parking garages at this time.

Corliss said about \$18,000-\$20,000 per space for a parking garage based on the library project.

Dever said when we invested in parking garages in the past that was the number we looked at.

Corliss said that was the cost of the full garage.

Dever said we would be improving 40 or so parking spaces in this project. To put those in a parking garage would cost over \$700,000. It was somewhat of a strange proposition to build the parking, but if we wanted to acquire it ourselves we would have to buy it from the developer.

Schumm said it was a great project. It does a lot for the community. It is the backstop of East Lawrence against the industrial area. One way to secure the area is to encourage this redevelopment. He knew it was a stretch and expensive. In total dollar numbers it was, but it really truly established an iconic opportunity for an artisan community and affordable housing. He supported the entire request.

Carter said he supported it as well. He was a little concerned about the precedent of paying for the parking. He said the dollars seemed like what is needed to make the project work. He was ready to make a motion if needed.

Amyx said this was his second time to be able to vote on this project, but he thought this would be a good project. He said he thought we would need the parking in the future. He thought this was something we should consider retaining control of. When it comes to investment in East Lawrence this was a very good project. We wanted to spread the dollars equally throughout the community. This was a project that would reestablish the neighborhoods. He said he thought as we looked at the vacant land available he thought there was a potential for a return on investment that would pay its own way.

Dever said he agreed. There was historical value we hadn't talked much about and he was glad to see someone interested in retaining its character. We do what we can to provide adequate parking. We need to be thinking about it and avoiding the parking problems. He said he was concerned where the money was coming from but staff had done a good job of planning it. He said he had a couple issues with some of the costs but he looked at this as an incubator of affordable housing and other developments. He said he was in favor of it.

Moved by Carter, seconded by Amyx, to approve Text Amendments (TA-8-13-11) to Article 3 of the Lawrence Land Development Code and to the 8th & Pennsylvania Urban

Conservation Overlay District, including the *Design Guidelines 8th and Penn Neighborhood Redevelopment Zone*, and adopt on first reading, Ordinance No. 8675. Motion carried 4-0 with Cromwell abstaining.

Moved by Carter, seconded by Amyx, to approve rezoning (Z-8-22-11) of approximately .56 acres from CS (Strip Commercial) to RM32 (Multi-Dwelling Residential) within the 8th & Pennsylvania Urban Conservation Overlay District, and adopt on first reading Ordinance No. 8676. Motion carried 4-0 with Cromwell abstaining.

Moved by Carter, seconded by Amyx, to approve rezoning (Z-8-23-11) of approximately .27 acres from CS (Strip Commercial) to RM12D (Multi-Dwelling Residential) within the 8th & Pennsylvania Urban Conservation Overlay District, and adopt on first reading Ordinance No. 8677. Motion carried 4-0 with Cromwell abstaining.

Moved by Carter, seconded by Amyx, to authorize the Vice Mayor to execute a development agreement with East Lawrence Historic Partners, LLC and authorize the City Manager to negotiate with Bartlett & West for final plans for public improvements for East Lawrence Industrial Historic District. Motion carried 4-0 with Cromwell abstaining.

Mayor Cromwell returned to the City Commission Meeting Room at 8:13 p.m.

3. Consider the following items related to 1043 Indiana Street:

- a) Conduct public hearing and consider making a determination based on a consideration of all relevant factors that there is/is not a feasible and prudent alternative to the proposed project at 1043 Indiana Street and the that the proposed project includes/does not include all possible planning to minimize harm to the listed properties. The Historic Resources Commission determined on September 15, 2011 that this project will encroach upon, damage or destroy the listed historic properties and their environs.
- b) Consider approving rezoning, Z-7-18-11, approximately 0.80 acres from U-KU (University-Kansas University) to RM32-PD (Multi-Dwelling Residential-Planned Development), located at 1043 Indiana Street. Submitted by Paul Werner Architects, for Triple T LLC, property owner of record. (PC Item 5A; approved 8-0 on 8/24/11)
- c) Consider approving Preliminary Development Plan, PDP-7-1-11, to relocate the Varsity House and development of a Multi-Dwelling Structure, located at

1043 Indiana Street. Submitted by Paul Werner Architects, for Triple T LLC, property owner of record. (PC Item 5B; approved 8-0 on 8/24/11)

Lynne Braddock Zollner, Historic Resources Administrator, introduced the item and said the developer had an amended request to make to the Commission.

Paul Werner, Paul Werner Architects, said they would like to defer the development plans and go to HRC on October 27 to consider changes to move the structure to the south. He would like the Commission to consider the rezoning tonight. He thought LPA was on board with this.

Lynne Zollner presented the rezoning request.

Mayor Cromwell called for public comment.

Ron Schneider, representing LPA, said he wanted to confirm what the applicant had said. LPA had agreed and encouraged the revised proposal. They had no objection to the zoning and had testified to that at previous hearings. He said that he or Dennis Brown would be at the HRC meeting to encourage approval.

Gwen Klingenberg said she agreed and appreciated what the applicant was asking to do.

Stan Hernly, Hernly Associates, said not everyone agreed that having the house on the corner was significant but he thought it was. He wanted to encourage that the house be rehabbed and said state historic tax credits might be able to be used. He supported the rezoning and appreciated the efforts of the applicant.

Sven Alstrom said those of us in preservation wanted the house to stay where it is. He was glad it was staying. He didn't agree with the process of approving the zoning changes before the HRC hearing. This project does not meet all of the criteria. He would like it sent back to HRC before the rezonings were considered by the City Commission. The Commissioners needed to support a more orderly process. The political consensus may be to approve the rezoning tonight but that is not how the process is supposed to work.

Schumm asked how the house would be rehabbed.

Werner said it would look just like it does today, but newer.

Amyx said he thought it was appropriate to consider the zoning at this time. It was a reasonable approach. We would have the PDP back after HRC. He thought we could act on the zoning at this time.

Dever asked if we had any other properties that had gone from UKU to a more private zoning category.

McCullough said yes. It cannot remain U-KU if not owned by KU.

Dever said that this was not an inappropriate rezoning then.

McCullough said no, it was appropriate to go to another appropriate zoning district. It is a little bit messy but sometimes we have to take incremental steps to get through the process.

Dever asked if anything went to more or less dense.

McCullough said it didn't happen often, he could only recall 1242 Louisiana.

Corliss said there hadn't been a lot of transition since the creation of the U-KU district.

Cromwell said he appreciated the compromise reached. This was a responsible way to proceed.

Amyx said he wanted to thank everyone that gave time to visit with him on this project.

Moved by Dever, seconded by Schumm, to defer indefinitely consideration of making a determination based on a consideration of all relevant factors that there is or is not a feasible and prudent alternative to the proposed project to be located at 1043 Indiana Street and that the proposed project does or does not include all possible planning to minimize harm to the listed property. Motion carried unanimously.

Moved by Schumm, seconded by Dever, to approve rezoning (Z-7-18-11) approximately 0.80 acres from U-KU (University-Kansas University) to RM32-PD (Multi-Dwelling Residential-Planned Development), located at 1043 Indiana Street. Motion carried unanimously.

Moved by Dever, seconded by Schumm, to defer indefinitely consideration of Preliminary Development Plan, PDP-7-1-11, to relocate the Varsity House and development of a Multi-Dwelling Structure, located at 1043 Indiana Street. Motion carried unanimously.

4. **Consider initiating a text amendment to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts and explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district.**

Scott McCullough, Director of Planning/Development Services, presented the staff report.

Mayor Cromwell called for public comment.

Marguerite Ermerling said she encouraged inclusion of people surrounding these areas as equally valuable stakeholders.

Gwen Klingenberg said that she and Hank Booth had been discussing how to make the Chamber happy and protect the neighborhoods. She said she was asking that this stay open ended and if it meant bringing some of the smartcode in or maybe just getting rid of IG altogether that was good.

Ron Schneider said he represented various clients that were affected by zoning decisions of the city and county commissions. He thought this was a wonderful opportunity and encouraged the involvement of a broad range of stakeholders. There could be a transitional process within an industrial zoned property and he thought that should be included in the discussion of this issue.

KT Walsh said there was talk about a green industrial park and she hoped that would be included in the discussions. She thought that would be quite a boon to Lawrence and to Kansas.

Cromwell said it seemed like we had unnecessary strife over industrial zonings. IL was perceived as less industrial than businesses really wanted and IG had uses that were noxious

and people didn't want near their property. Everyone was unnecessarily unhappy and he thought we could make both neighbors and developers more happy and comfortable.

Carter said it was a great idea and could lead to a lot less conditional zoning.

Dever said he wanted to make sure we didn't do away with all impactful industrial uses. There were industries with lots of jobs that had heavy uses. We needed to make sure we could appropriately locate industry in Douglas County.

Cromwell said he didn't want to do away with those uses totally. ICL for example had been a great neighbor to North Lawrence. We did need places for that to occur.

Dever said he didn't want to homogenize the designations too much, but that we were clear what we wanted so prospective entities could be clear about what was possible. He didn't want to make it worse.

Cromwell said he didn't anticipate making this into only one industrial zoning category. We needed a normal industrial designation then something on either side of that.

Amyx said he didn't want us to take ourselves out of the game for industrial development. There would be discussions about what was appropriate at any location.

Dever said hopefully we would bring all of our experience in the last 3-4 years to this discussion and add some clarity. He said he was in favor of moving forward.

Moved by Dever, seconded by Schumm, to initiate a text amendment to review the uses of the existing industrial districts and explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district. Motion carried unanimously.

5. **Consider a motion to recess into executive session for 30 minutes for the purpose of consultation with attorneys for the City on matters deemed privileged in the attorney-client relationship. The justification for the executive session is to keep attorney-client matters confidential. The regular meeting of the City Commission will resume in the commission meeting room at the conclusion of the executive session.**

Moved by Schumm, seconded by Amyx, to recess into executive session for 30 minutes at 8:45 p.m. for the purpose of consultation with attorneys for the City on matters deemed privileged in the attorney-client relationship. The justification for the executive session is to keep attorney-client matters confidential. Motion carried unanimously.

The commission resumed the regular session at 9:26 p.m. No action was taken following the executive session.

E. PUBLIC COMMENT:

Michael Tanner said he was speaking as an advocate for the homeless and street musicians. He said there was an event this weekend at South Park raising money for the shelter. There was someone lying down under a shade tree and a police officer was talking to them and asked them to leave. That person was a homeless person, and there was something wrong with not letting a homeless person sit under a shade tree. This person was just enjoying the park and had the right to do so. Today he saw a police officer downtown telling some guys they had to get a right-of-way permit to block the sidewalk. He said he filmed both these incidents with his camcorder. Lawrence was a venue for street musicians and he doesn't like it when people pick on poor people and homeless people. He sees things escalating with him just like they did in Kansas City. He saw a tragedy coming like it did in Kansas City. He saw certain stalking elements going on. The court system has labeled him a transient and that offended him. He said he would act with integrity unlike certain Massachusetts Street merchants. He believed they had stolen his bike and punched a hole in his vehicle tire. He said the persecution of his people had to stop. He said the city had to fully repent of the Phoenix.

F. FUTURE AGENDA ITEMS:

David Corliss, City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

Carter said he had seen an email regarding the complete streets policy. He asked if that had been adopted.

Corliss said there was a draft prepared that could be considered, maybe on the 25th.

Dever asked about the economic impact analysis of Community Wireless, and how we could assist with that.

Stoddard said it was a question of priorities for the city's economic development coordinator. She said she had not spoken with Mr. Montgomery about his time frames. She thought it was something the Commission should discuss. Stoddard said that there was service provision in the RFP that he would not have met.

Dever said Montgomery had not mentioned that to him. He said it was not urgent and maybe time permitting we could take a look at that, but not right now.

Stoddard said the agreement regarding the use of the city's right-of-way was in Montgomery's court and the city was reviewing his draft regarding the use of the city's fiber.

Carter asked about the Google project and if they had finished.

Stoddard said she had not heard anything about that lately.

H: CALENDAR:

David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

Moved by Dever, seconded by Schumm, to adjourn at 9:42 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk